

1
2 BILL NO. Z-95- 10-08

3 ZONING MAP ORDINANCE NO. Z- 11-95.

4 AN ORDINANCE amending the City of
5 Fort Wayne Zoning Map No. T-34

6 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT
7 WAYNE, INDIANA:

8 SECTION 1. That the area described as follows is hereby designated a
9 (Professional Office District) under the terms of Chapter 157 Title XV of the Code of the
10 City of Fort Wayne, Indiana of 1974:

11 Part of the Northwest Quarter of the Northwest Quarter, Section 21, Township 31
12 North, Range 13 East, Allen County, Indiana, in particular described as follows to
13 wit:

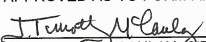
14 To arrive at the point of beginning, commence at the northwest corner of said
15 Section 21 said point coincident with the intersection of the centerline of Reed
16 Road and St. Joe Center Road; thence North 89 degrees 52 minutes 24 seconds
17 East, a distance of 50.23 feet; thence south 00 degrees 07 minutes 36 seconds
18 East, a distance of 40.00 feet; thence north 89 degrees 52 minutes 24 seconds
19 East, a distance of 479.44 feet to the point of beginning; thence north 89 degrees
20 52 minutes 24 seconds east, a distance of 220.31 feet; thence north 00 degrees
21 07 minutes 36 seconds west, a distance of 40.00 feet; thence north 89 degrees
22 52 minutes 24 seconds East, a distance of 615.61 feet; thence South 00 degrees
23 12 minutes 17 seconds East, a distance of 1339.62 feet; thence South 89
24 degrees 51 minutes 36 seconds West, a distance of 1359.52 feet to the West line
25 of the aforesaid Section 21; thence north 00 degrees 27 minutes 38 seconds
26 West along the aforementioned West line, a distance of 679.55 feet; thence
27 Easterly and parallel with the North line of said Section 21, a distance of 329.71
28 feet; thence northerly and parallel with the West line of said Section 21, a
29 distance of 121.56 feet; thence easterly and parallel with the North line of said
30 Section 21, a distance of 54.23 feet; thence northerly and parallel with the West
31 line of said Section 21, a distance of 326.10 feet; thence easterly and parallel with
32 the North line of said Section 21, a distance of 145.51 feet; thence northerly and
parallel with the west line of said Section 21, a distance of 172.35 feet to the point
of beginning, containing 35.32 acres more or less and subject to all easements
of record.

and the symbols of the City of Fort Wayne Zoning Map No. T-34, as established by
Section 157.016 of Title XV of the Code of the City of Fort Wayne, Indiana are hereby
changed accordingly.

SECTION 2. That this Ordinance shall be in full force and effect from and after
its passage and approval by the Mayor.


Councilmember

APPROVED AS TO FORM AND LEGALITY:


J. TIMOTHY MCCAULEY, CITY ATTORNEY

Read the first time in full and on motion by Ravine,
and duly adopted, read the second time by title and referred to the
Committee on Resolutions (and the City Plan Commission
for recommendation) and Public Hearing to be held after due legal notice, at
the Common Council Council Conference Room 128, City-County Building, Fort
Wayne, Indiana, on _____, 19____, the _____ day of _____
M., E.S.T.

DATED: 10-10-95

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Ravine,
and duly adopted, placed on its passage. PASSED lost
by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>6</u>			<u>3</u>
BRADBURY				<u>1</u>
EDMONDS				<u>1</u>
GIAQUINTA				<u>1</u>
HENRY	<u>✓</u>			
LONG	<u>✓</u>			
LUNSEY	<u>✓</u>			
RAVINE	<u>✓</u>			
SCHMIDT	<u>✓</u>			
TALARICO	<u>✓</u>			

DATED: 11-14-95

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,
Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)
(SPECIAL) (ZONING) ORDINANCE RESOLUTION NO. 2-11-95
on the 14th day of November, 1995

ATTEST:

(SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Don J. Schmitter
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on
the 15th day of November, 1995,
at the hour of 11:30 o'clock A., M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 16th day of November,
1995, at the hour of 12:15 o'clock P. M., E.S.T.

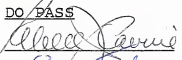

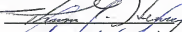
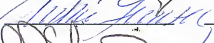
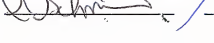
Paul Helmke
PAUL HELMKE, MAYOR

BILL NO. 7-95-10-08

REPORT OF THE COMMITTEE ON
REGULATIONS
CLETUS R. EDMONDS - REBECCA J. RAVINE - CO-CHAIR
ALL COUNCIL MEMBERS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS
REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the City of
Fort Wayne Zoning Map No. T-34

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (~~RESOLUTION~~)

<u>DO PASS</u>	<u>DO NOT PASS</u>	<u>ABSTAIN</u>	<u>NO REC</u>
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
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_____	_____	_____	_____
_____	_____	_____	_____

DATED: 11-14-95.

Sandra E. Kennedy
City Clerk

COMMUNITY & ECONOMIC DEVELOPMENT

FT. WAYNE, IN.,

RECEIVED FROM

THE SUM OF

ON ACCOUNT OF

65492

PAID BY: CASH



CHECK



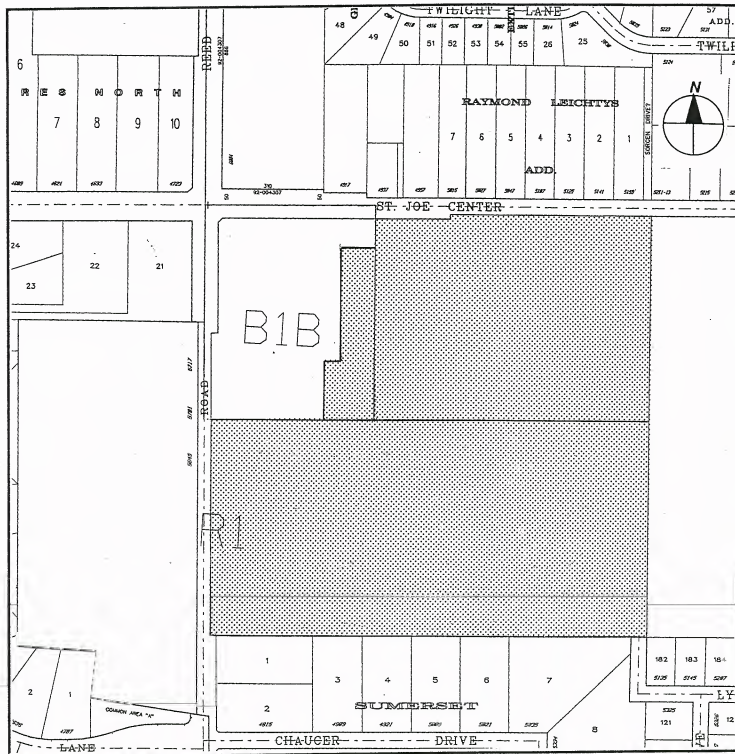
M.O.



REZONING PETITION

AREA MAP

CASE NO. #597



COUNCILMANIC DISTRICT NO. 2

Map No. T - 34

LW 9-22-95

R1	One-Family	B1	Limited Business	M1	Light Industrial
R2	Two-Family	B2	Planned Shopping Center	M2	General Industrial
R3	Multi-Family	B3	General Business	M3	Heavy Industrial
RA/RB	Residential	B4	Roadside Business	MHP	Mobile Home Park
PUD	Planned Unit Dev.	POD	Professional Office District		



Petition for a Zoning Map Amendment

Community & Economic Development / 1 Main Street Rm 830 / Fort Wayne, IN 46802 / (219) 427-1140

1/597 We Schenkel & Shultz, Inc. do hereby petition to amend the Zoning Map of the City of Fort Wayne Indiana, by reclassifying from a/an R1 designation to a/an P.O.D. designation, the property located at the common street address of: 5814 Reed Road, Fort Wayne, IN 46835 and adjoining south property and further described as follows:

Please see attached legal descriptions.

(Please attach a legal description if more space is needed.)

The purpose of this proposed rezoning is to permit the use of the property for the following:
Planned Office Development

Property owners Name(s): Medical Protective Company & Somerset Acres, Inc.

Street Address: 5814 Reed Road

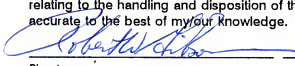
City: Fort Wayne State: IN Zip: 46835 Phone: (219) 485-9622

Applicants Name (if different from above): Schenkel & Shultz, Inc.

Street Address: 111 E. Wayne Street, Ste. 555

City: Fort Wayne State: IN Zip: 46802 Phone: (219) 424-9080

I/We the undersigned, do hereby certify that I am/We are the owner(s) of more than fifty percent (50%) of the property described in this petition; that I/we agree to abide by all provisions of the Fort Wayne Zoning Ordinance as well as all procedures and policies of the Fort Wayne City Plan Commission as relating to the handling and disposition of this petition; and that the above information is true and accurate to the best of my/our knowledge.

 Signature	<u>ROBERT W GIBSON</u> Printed Name	 Date
 Signature	 Printed Name	 Date
 Signature	 Printed Name	 Date

Notes to the Applicant:

- If additional space is needed for either a legal description, or property owners names addresses and signatures, please attach same to this form.
- All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice being submitted to the newspaper for publication.
- Filing of this petition grants the City of Fort Wayne permission to post "Official Notice" on the petitioned property. Failure to post, or to maintain posting may prevent the public hearing from being held.
- All checks should be made payable to: City of Fort Wayne.

Name and address of preparer, attorney or agent.

Gregory W. Buckel, RLS
Schenkel & Shultz, Inc.
111 E. Wayne Street, Ste. 555

(219) 424-9080
Telephone Number

Fort Wayne, IN 46802

Form Rez494

Receipt #:	Date Filed:
Map #:	Reference #:

LEGAL DESCRIPTION
FOR THE
PROFESSIONAL OFFICE DISTRICT

PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER, SECTION 21,
TOWNSHIP 31 NORTH, RANGE 13 EAST, ALLEN COUNTY, INDIANA, IN PARTICULAR
DESCRIBED AS FOLLOWS TO WIT:

TO ARRIVE AT THE POINT OF BEGINNING, COMMENCE AT THE NORTHWEST CORNER OF
SAID SECTION 21 SAID POINT COINCIDENT WITH THE INTERSECTION OF THE CENTERLINE
OF REED ROAD AND ST. JOE CENTER ROAD;
THENCE NORTH 89 DEG 52 MIN 24 SEC EAST, A DISTANCE OF 50.23 FEET;
THENCE SOUTH 00 DEG 07 MIN 36 SEC EAST, A DISTANCE OF 40.00 FEET;
THENCE NORTH 89 DEG 52 MIN 24 SEC EAST, A DISTANCE OF 479.44 FEET TO THE POINT OF
BEGINNING;
THENCE NORTH 89 DEG 52 MIN 24 SEC EAST, A DISTANCE OF 220.31 FEET;
THENCE NORTH 00 DEG 07 MIN 36 SEC WEST, A DISTANCE OF 40.00 FEET;
THENCE NORTH 89 DEG 52 MIN 24 SEC EAST, A DISTANCE OF 615.61 FEET;
THENCE SOUTH 00 DEG 12 MIN 17 SEC EAST, A DISTANCE OF 1339.62 FEET;
THENCE SOUTH 89 DEG 51 MIN 36 SEC WEST, A DISTANCE OF 1359.52 FEET TO THE WEST LINE
OF THE AFORESAID SECTION 21;
THENCE NORTH 00 DEG 27 MIN 38 SEC WEST ALONG THE AFOREMENTIONED WEST LINE, A
DISTANCE OF 679.55 FEET;
THENCE EASTERLY AND PARALLEL WITH THE NORTH LINE OF SAID SECTION 21, A
DISTANCE OF 329.71 FEET;
THENCE NORTHERLY AND PARALLEL WITH THE WEST LINE OF SAID SECTION 21, A
DISTANCE OF 121.56 FEET;
THENCE EASTERLY AND PARALLEL WITH THE NORTH LINE OF SAID SECTION 21, A
DISTANCE OF 54.23 FEET;
THENCE NORTHERLY AND PARALLEL WITH THE WEST LINE OF SAID SECTION 21, A
DISTANCE OF 326.10 FEET;
THENCE EASTERLY AND PARALLEL WITH THE NORTH LINE OF SAID SECTION 21, A
DISTANCE OF 145.51 FEET;
THENCE NORTHERLY AND PARALLEL WITH THE WEST LINE OF SAID SECTION 21, A
DISTANCE OF 172.35 FEET TO THE POINT OF BEGINNING, CONTAINING 35.32 ACRES
MORE OR LESS AND SUBJECT TO ALL EASEMENTS OF ALL RECORD.

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on October 10, 1995, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-95-10-08; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on October 16, 1995.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact".

- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held October 23, 1995.

Certified and signed this
24th day of October 1995.



Carol Kettler Sharp
Secretary

Public Hearing on a Zoning Map Amendment and a Primary Development Plan

- a. Bill No. Z-95-10-08 - Change of Zone #597
From R-1 & B-1-B to POD
The Southeast corner of Reed Road and St. Joe Center Road.
- b. Primary Development Plan for Medical Protective POD

Tom Niezer, attorney for the petitioners, Medical Protective Company & Somerset Acres, Inc., appeared before the Commission. Mr. Niezer stated that Medical Protective provides professional liability insurance for health care providers. He stated that traditionally that meant just physicians, however, today it means both medical malpractice for physicians and hospitals alike. He stated that they are the 4th largest medical malpractice insurance company in the nation. He stated that they have been at their current location, the SE corner of Reed Road and St. Joe Center Road since 1951. He stated that they employ 335 individuals. He stated that 210 are employed in the Fort Wayne area. He stated that currently 150 individuals work at the Reed/St. Joe Ctr Road facility. He stated that the remaining employees are housed at two leased facilities at Executive Center of the Woods and Brotherhood Office Park. He stated that the purpose of the request for the rezoning and primary development plan approval is to permit development of Medical Protective's additional 32 acres, which is located to the south and east of its existing property. He stated that they want to construct on the property, in two phases, an additional 134,000 square feet of office space. He stated that it would be Medical Protective's intent upon zoning the additional space to consolidate its existing employees in the Fort Wayne area, and close down its two leased office facilities. It is also anticipated that the company will grow to the point, where the combined facility, as projected with employees, of upward to 300 individuals. He stated that it is Medical Protective's intent to commence construction with Phase I of its project this spring, that is assuming that they get the rezoning and the primary and secondary development plan is approved. He stated that they have contacted the neighborhood residents. He stated that they contacted those individuals that would ordinarily be contacted under the Commission's mailing procedures. He submitted a list of the individuals contacted to the Commission. He stated that there was a public meeting providing for the benefit of these individuals October 4, 1995 by Schenkel and Shultz. In addition to the number of free standing residences along Reed and St Joe Ctr Road area, they also contacted the subdivisions of Wyndemere, Summerset Acres and Royal Oaks. He stated that with respect to the statutory criteria, that might be met for a rezoning petition, he asked the staff to look at excerpts from the staff commentary. He stated that with respect to the Comprehensive Plan, it would be their contention that this would be consistent with both the policies of the Urban Service Area and the Outer Ring Area. He stated that it is balanced growth, in that this property is located next to an existing B-1-B site at the corner of St. Joe Ctr and Reed Road. He stated that it would promote a good buffering of that area and additional buffering of the surrounding residential areas. He stated that the current condition of the site is that the area is surrounded by largely residential use. He stated that there is no signage whatsoever on the property identifying the structure. He stated that with respect to the most viable use of the property it would be there contention that this would be the most desirable use, in that it would provide stability with respect to the surrounding residential areas. He stated that this development would promote better drainage with respect to storm water runoff. He stated that this site has the capability of having installed a regional storm water detention area, that would serve not only the Medical Protective site, but also a good deal of the property in the existing water basin in that area. He stated that based on the soil tests that they have performed, just last week, they do have the capability and will be in a position to work with the city in putting in that type of regional detention area. He

stated that this detention area would far and exceed any potential problems that would be generated from the Medical Protective site, it will go along way towards assisting a good deal of the runoff from other areas in the surrounding neighborhoods. He stated that with respect to the issues of conservation of property values and responsible development and growth, he urged the Commission is to look at Medical Protective's past use of the property. He stated that he would suggest that the Commission look at it for the past 40 years with respect to responsible growth and development and its impact on surrounding property values. He stated that it is due to Medical Protective the Wyndemere Subdivision is developed, it is due to Medical Protective that the church facility to the north of the property is developed, it is due to Medical Protective that the additional Somerset Acres was planned and developed. He stated that all of that land at one point in time was owned by Medical Protective. He stated that they have been an exemplary neighbor to the surrounding land use owners. He stated that he could think of no better property use that would promote responsible use and development.

David Talby, project architect with Schenkel Shultz appeared before the Commission. Mr. Talby stated that he is responsible for the architectural and engineering design of the property building. He stated that the intent behind their design is to integrate the existing facility with a new two-story building. He stated that the new building will be a brick clad structure with a concrete tile roof. He stated that the current design is two-story in height and the roof line would fall under the 35 foot height requirement. He stated that it is there intent that it blend with the existing building. He stated that the two-story height would be well buffered from the adjacent properties, due to the position of the existing building on the North and West sides of the addition.

Mike Demente, civil engineer working as a consultant through Schenkel Shultz appeared before the Commission. Mr. Demente stated that his four major concerns are storm water runoff, sanitary sewer, traffic volume and landscaping. He stated that they show a detention pond on the east portion of the site, which will service both phases of the proposed project. He stated that they were asked by Stormwater Engineering to research the inclusion of a regional detention facility. He stated that it was in their best interest if they could use the soil to free up some additional land. He stated that they have found that the soil is usable for fill material and would provide them with stormwater detention. He stated WPC Engineering stated that the original detention pond would meet the minimum requirements of the city, but they feel that it will be in their best interest to widen the ditch and actually detain 170 acres. He stated that they have never experienced any flooding conditions. He stated that there are flooding conditions a mile or so down stream from this property and anything that they can do upstream would help to alleviate that problem. He stated that is there general intent. He stated that with regard to the sanitary sewer this property is in what is known as a "red zone". He stated that it is their understanding that the Board of Public Works have a new intersector proposed for 1996 for this area to alleviate some of the problems. He stated that soon after that intersector is put in they will have an intersector for this parcel as well. He stated that this is currently being serviced by a private system that the city took over some years back. At that time the system did not meet the city specifications. He stated that it is the city's intention to replace this existing system and starting in 1996. He stated that they have met with Pat Callahan of Sewer Engineering and they have been researching alternatives to containing some of the sanitary effluence and hopefully by the time that the project is "on-line" those intersectors will be in the ground. He stated that it will be approximately 2 years before they would be adding additional sewage to this intersector, which should give the city time to update the system. He stated that in order to meet the requirements for parking they need over 300 additional parking spaces. He stated that presently they have 120 parking spaces. He stated that they have met with Traffic and Street Engineering to get their input. He stated that the two departments asked for additional right-of-way. He

stated that they are proposing a new access from Reed Road that is actually located on a private portion of the land, which will give the best site clearance from the north and south along Reed Road. He stated that they are closing down another entrance that is very close to the intersection. He stated that they are meeting all of the standards as far as excel and decel lanes and passing blisters. He stated that with regard to the landscaping it is their intention to buffer the zone to the east and south. He stated that they will be required to have a 6 foot buffering of mounding and/or trees or shrubs. He stated it is their intention to meet those landscaping requirements.

Linda Buskirk questioned if they intend to have sanitary sewer retention on site.

Mr. Demente stated that they are investigating alternatives. He stated that hopefully with the two year time delay before this project is on line, they will have the opportunity to connect to the sanitary sewer hookup.

Dave Ross questioned that since both St Joe Ctr and Reed Roads are major traffic carries will they be able, if it is required, to dedicate right-of-way for the widening of the road way. He asked if right-of-way could be required.

Mr. Demente stated that the city could acquire right-of-way if needed.

Tom Niezer stated that there is one "tiny" exception to that, acquisition of right-of-way, and that is the number of 60 to 70 foot high Pinto trees, that are included in or abut right up to the right-of-way. He stated they would strongly request consideration being given by the city to insure that the buffering of these trees are not disturbed or harmed in anyway. He stated that those trees were planted in 1951, they cannot be replaced. He stated that the company is not disposed at this time to see those trees removed under any scenario.

Mel Smith questioned why Medical Protective was not including the corner property that is currently zoned B1B in the requested POD rezoning.

Mr. Niezer stated that there is no change being made to the parcel that is currently zoned B1B. He stated that the parcel is zoned and permits the current use and there is no need to change the zoning. He stated that there is a small portion of the property that is zoned B1B that is included in the POD zoning. He stated that it is Medical Protective's opinion, that from a business standpoint, there is no compelling reason to change the zoning on that property.

Liz Brown, 5701 Reed Road, appeared before the Commission in opposition to the request. She stated that she lived directly across the street from Medical Protective. She stated that Medical Protective has been an excellent neighbor. She stated, however, what they are proposing is a lot different from the pastoral setting that now exists. She stated that it is currently a very quiet one story building, with only 110 employees. The parking lot is completely hidden behind the building on Reed Road and there is one entrance on St. Joe Center. She stated that the entrance on St. Joe Center Road causes a lot of traffic problems at 9am and 5pm. She stated they are now talking about tripling the number of employees and that doesn't include Phase III. She stated they also want to exit on Reed Road as well. She stated that she is very concerned with the added traffic. She stated that they have seven small children. She stated that Mr. Niezer stated that Medical Protective is responsible for developing Summerset Acres and Wyndemere and they have brought all of those people into the area with the farm setting as it sits today. She stated that now they are talking about putting in, at least, two more two story

buildings. She stated that in addition to that they want to have an entrance and exit on Reed Road. She stated that the traffic is particularly hazardous around 3pm when Snider High School lets out south on Reed, and Bishop Dwenger lets out at around the same time. She stated that the traffic flow continues heavy until around 6pm, as the traffic exiting the city leaves on Stellohorn Road. She stated that this is a very dangerous intersection to begin with and adding more traffic at the top of the hill, as they have indicated, would cause more of a problem. She stated that she was also concerned about the landscaping. She stated that in their plan they have two story buildings and a big cement circle drive in the front of the buildings. She stated that in the Phase III that was shown to them, there is a third building that would be put even closer than the present building is now to the street. She stated that Medical Protective have been a wonderful neighbor, but they are now going from a one story, single building to building two, two-story buildings, and in effect tripling the size of their use. She stated that she felt it was too big of a development for the area that it is in. She stated that the only other commercial projects in the area is now at Maplecrest or St Joe Road. She stated that this is a quite residential area. She stated that she could understand their need to expand to a certain degree, but the current request is much too large of an expansion for this area.

In rebuttal, Tom Niezer stated that the simple hard fact of the matter is, Medical Protective, like most businesses, is not in a position where it can remain a 120 employee business. The business is growing. He stated that Fort Wayne has been, and hopefully will continue to be, its home office. He stated that if it is going to be its home office, it is going to have to expand on this property. He stated that this is not what he would consider to be a commercial enterprise. He stated that this is a professional office enterprise. He stated that it is entirely consistent with the zoning that it is in, and the zoning, that is proposed. He stated that the zoning they are proposing is the most consistent with integration to the surrounding neighborhoods. He stated that in terms of traffic there was a point that was not made. He stated that Medical Protective maintains its own cafeteria on site. He stated that there is very little traffic that goes to and from the property during the day. He stated in each and every circumstance they are meeting or exceeding the city's standards with respect to access and distance from other access points of residential areas. He stated that this land is not always going to be farmland. He stated that to assume that this land will never be developed is not very realistic. He stated that they are trying to take steps to mitigate the traffic concerns of the neighbors, landscaping concerns and water runoff. He stated that he could assure the Commission that this project will be developed and landscaped with the same features in mind as the existing building.

There was no one else who spoke in favor of or in opposition to the proposed rezoning and primary development plan.

Medical Protective Company & Somerset Acres, Inc. request a change of zone from R-1 and B1B to POD

Location: SE corner of Reed and St. Joe Center Road

Legal: See file

Land Area: Approximately 32 acres

Zoning: R-1 and B1B

Surroundings:

North	R-1	Single Family Residential
South	R-1	SFR and Open
East	R-1	SFR and Open
West	R-1/RA	SFR and Open

Reason for Request: A two-phase construction project consisting of approximately 134,000 square feet of office space.

Neighborhood Assoc.: None

Comprehensive Plan: This property is located in the Northeast Sector of the Outer Ring. The overall goal of the Outer Ring is to encourage growth in a balanced manner that is within or adjacent to existing development in the urban service area. More specifically, the goal of the Northeast sector is to maintain a balanced development pattern within the urban service area.

Neighborhood Plan: No comment.

Planning Staff Discussion:

Both Reed Road and St. Joe Center Road are classified as arterial streets and are expected to carry increasing amounts of traffic. The surrounding area has primarily been developed residentially, with the existing complex being the only non-residential zoning in the area.

The existing facility has been located on site for a number of years and is of a residentially inspired design that complements the surrounding area. The intent of the proposed rezoning is to allow consolidation of their office uses into one complex. They intend to use the office space entirely for their own operations.

Staff discussions suggested that rezoning the acreage to a commercial classification would not

be the best alternative for their intended use, and suggested a POD classification instead. The petitioners did not include all of the existing development site in their rezoning proposal.

The Professional Office District (POD) designation is intended to provide locations where professional office and business compatible with these offices may be developed into a center with the assurance that retail and other commercial uses with incompatible characteristics will not impede or disrupt their use. Structures are typically much less commercial in appearance and architecturally more in keeping with residential uses. The requirement of the development plan approval process further ensures that site development will mitigate any potential negative impacts on the surrounding properties.

The site plan for the development is subject to an intensive review by various departments of the city and by the Plan Commission. Major concerns to be addressed will be traffic access and safety, drainage, utility capacity and landscape buffering of abutting residential developments.

Medical Protective is an established use. Approval will allow their proposed expansion, and will create a well designed and landscaped campus-like complex at the intersection of two arterial streets.

Site development requires both primary and secondary development plan approvals through the Plan Commission, and would be somewhat more restrictive than possible development under the existing zoning. In conducting the primary development plan review, staff cited the fact that this acreage is located in a capacity-intense sewer area, that would not currently support the site development. However, being aware of this obstacle, it is estimated that the problem could be corrected in the next few years.

While the proposed development may be delayed, it may be prudent to set aside the acreage for the POD eventual development. With the interest shown in development in this quadrant, approval would help stabilize the intended growth patterns, and take advantage of its location at the intersection.

RECOMMENDATION: Do Pass for the following reasons:

- 1) Approval will allow expansion of the existing use in a manner that is more restrictive regarding site planning issues.
- 2) Approval will allow a development of approximately 40 acres with associated improvements to the existing infrastructure, which should stabilize the residential character of the area.

FACT SHEET

Z-95-10-08

BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE

APPROVAL DEADLINE

REASON

Zoning Map Amendment

From R-1 & B-1-B to POD

DETAILS

Specific Location and/or Address

Southeast corner of Reed and St Joe Ctr Roads.

Reason for Project

Construction of a two phase project consisting of approximately 134,000 square feet of office space.

Discussion (including relationship to other Council actions)

16 October 1995 - Public Hearing

See attached minutes of meeting.

23 October 1995 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation.

Of the nine (9) members present, eight (8) voted in favor of the motion the Chair did not vote.

Motion carried.

Members Present: Linda Buskirk, Ernest Evans, James Hoch, Thomas Quirk, Dave Ross, Donald Schmidt, Carol Ketter Sharp, Vicky VerPlanck, Mel Smith

POSITIONS

RECOMMENDATIONS

Sponsor	City Plan Commission
Area Affected	City Wide Other Areas
Applicants/ Proponents	Applicant(s) Medical Protective Co & Somerset Acres Inc City Department Other
Opponents	Groups or Individuals Liz Brown, 5701 Reed Road Basis of Opposition -this large of a development would be detrimental to the area and not be compatible with the residential char- acter of the neighborhood
Staff Recommendation	<input checked="" type="checkbox"/> For <input type="checkbox"/> Against Reason Against
Board or Commission Recommendation	By <input checked="" type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No Action Taken <input type="checkbox"/> For with revisions to conditions (See Details column for conditions)
CITY COUNCIL ACTIONS (For Council use only)	<input type="checkbox"/> Pass <input type="checkbox"/> Other <input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold <input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pass

DETAILS

POLICY/PROGRAM IMPACT

Policy or
Program
Change☐

No

☐

Yes

Operational
Impact
Assessment

(This space for further discussion)

Project Start

Date 14 September 1995

Projected Completion or Occupancy

Date 24 October 1995

Fact Sheet Prepared by
Patricia Biancaniello

Date 24 October 1995

Reviewed by

Date 30 October 1995

Reference or Case Number

ORIGINAL

ORIGINAL

#597

DIGEST SHEET

TITLE OF ORDINANCE Zoning Ordinance Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - C&ED

SYNOPSIS OF ORDINANCE 5814 Reed Road

2-95-10-08

EFFECT OF PASSAGE Property is currently zoned R-1 - Single
Family Residential. Property will be zoned P.O.D. - Professional
Office District.

EFFECT OF NON-PASSAGE Property will remain zoned R-1 - Single
Family Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE) _____